

EXHIBIT C

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DONNA K. SOUTTER)	
on behalf of herself and)	
those similarly situated,)	
)	
Plaintiff(s),)	CIVIL ACTION NO.
)	3:10-cv-00107(REP)
-vs-)	(Pending in the Eastern
)	District of Virginia,
EQUIFAX INFORMATION)	Richmond Division)
SERVICES, LLC,)	
)	
Defendant(s).)	
_____)	

FOR ATTORNEY'S EYES ONLY

PROTECTIVE ORDER

DEPOSITION OF MARK JOHNSON

TAKEN ON BEHALF OF

THE PLAINTIFF(S)

IN OKLAHOMA CITY, OKLAHOMA

ON JUNE 12, 2013

10:02 A.M. - 2:23 P.M.

REPORTED BY: SHELLEY MARBURGER, CSR

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Q. All right. Now, can you -- let's start with structure. Can you identify the employees who directly report to you?

12

A. Yes.

13

Q. Who are they?

14

A. Today? Currently?

15

Q. Yes.

16

A. Tiffany Stern is a director.

17

Q. And what is her job?

18

A. Civil acquisition. So we also have Scott Goldman, Director of I.T. Melissa Autin, Director of Civil Automation. I have a manager of bankruptcy collection that reports to me.

22

Q. Anyone else?

23

A. Mike -- Michael Williams, who's a manager, title's just manager.

25

Q. What does Michael Williams do?

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1 A. He manages our property data acquisition
2 and currently --

[REDACTED]

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10 A. If I recall, the judge or the supreme
11 court stating or making it clear that the bulk
12 feed would no longer be available.

13 Q. And that was in 2009?

14 A. That sounds about right.

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Q. And I'm going to skip to Page 3 of --

this is the first -- this is the 2010 exhibit, I'm

going to skip to Page 3. So 2003 -- I mean, 2009,

it's Page 3, Paragraph 6, your first declaration

stated that, "Until May of 2009, the Supreme Court

of Virginia made available information regarding

judgments and dispositions through regularly

scheduled Bulk Feeds." And that's true. Correct?

A. Yes.

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[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

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8 A. A lot of the very specific information
9 about the difficulties in collecting in Virginia
10 became aware -- I became aware of. Yes. As part
11 of the litigation and the deposition. The general
12 process, the general awareness of how things are
13 different from court to court, that's an awareness
14 that I gained from years of experience working at
15 the company that I --

16 Q. Have you yourself ever picked up or gone
17 to any of these court houses in Virginia to gather
18 records? Obviously not. You've never been here.
19 Right?

20 A. Correct.

21 Q. For work. As a regular part of your job
22 at LexisNexis, or Hogan before it, did you ever
23 have a period of time when you worked as a
24 collector to go around to a court system and
25 gather records --

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1 A. No. I have not.

2 Q. -- to get experience maybe?

3 A. No.

4 Q. So all of your knowledge, whatever it may
5 be, even generally about the way that it's done in
6 various courts, that itself is secondhand from
7 what you've been told by people that work under
8 you. Right?

9 A. Correct.

10 Q. And then in Virginia itself, that
11 knowledge would be secondhand. Right?

12 A. Correct.

13 Q. But in Virginia itself, to be specific
14 Virginia knowledge, even the secondhand knowledge
15 you obtained, you obtained in creation of this
16 declaration and in this litigation. Right?

17 A. Say that again. Even in Virginia, I --
18 it was second --

19 Q. The Virginia -- The Virginia-specific
20 secondhand knowledge that you obtained, you
21 obtained in the process of creating this
22 declaration. Correct?

23 A. Not -- not -- It's like I said earlier,
24 very specific details in Virginia, I became aware
25 of as result of this deposition and the

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1 litigation, but in general, my awareness of our
2 collection processes was obtained over many years.

3 Q. I understand. But your Virginia-specific
4 knowledge, even the secondhand knowledge, you
5 obtained as part of preparing for your deposition
6 or this declaration. Right?

7 A. It depends on how you characterize that.
8 I'm very familiar with our laptop collection
9 methodologies, I'm very familiar with how we
10 engage contractors, I'm very familiar with our
11 process of collecting across the board, whether
12 it's Virginia or California or wherever, so that
13 general --

14 Q. All right. Well, so what reports are
15 available at the Richmond General District Court
16 civil division clerk's office for your company or
17 subcontractors to obtain?

18 A. Well, in general, many courts through a
19 request will provide a list of -- what we call an
20 index. And that index lists out all of the events
21 that have occurred the previous day or week or
22 whatever period. From that list of events --

23 Q. What court -- I'm sorry. Continue.

24 A. So in some courts you may have a report
25 or a list that details out the events case by case

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1 of what has occurred at that court in the previous
2 time period.

3 Q. And in what courts in Virginia is that
4 report -- will a clerk not provide that report to
5 LexisNexis or its subcontractors?

6 A. I'm not aware of --

7 MR. RAETHER: Objection to form. Go
8 ahead.

9 A. I'm not aware of that level of detail.

10 Q. (By Mr. Bennett) In what courts is it
11 available in Virginia?

12 A. I'm sorry? What? Repeat.

13 Q. Sure. Well, are you aware of any court
14 in Virginia which it is available?

15 A. I'm not aware of the specific courts, but
16 I am aware of dialogue around the collection
17 practices in Virginia, that some courts provide a
18 list and some courts do not.

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■ [REDACTED]
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8 Q. Paragraph 7, which is Page 3 of Exhibit
9 3. It says, "Based on the above sampling,"
10 LexisNexis, "assembled a set of entries from the
11 Virginia Supreme Court Database for manual
12 examination." Have you reviewed that list, that
13 set of entries?

14 A. Not personally.

15 Q. Have you seen it?

16 A. I'm honestly not sure what it's in
17 reference to, what sampling or what was
18 assembled. You know, there was a lot of analysis
19 going on, I'm not sure exactly what part of the
20 analysis that's referring to.

21 Q. In Paragraph 6, above it, LexisNexis,
22 "including persons acting under your direction,
23 sampled the listings in the database to test for
24 date anomalies." It says, "rather than
25 undertaking that massive analysis, it merely took

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1 a small set of entries." Is this referring to
2 Paragraph 4 -- I mean, Exhibit 4? This is just a
3 sample of entries?

4 A. That would be my logical assumption.

5 Q. But you don't have personal knowledge as
6 to whether it's true or not?

7 A. I don't believe that listing's outside of
8 the comparison so, I mean, I directed that our
9 production data be compared against the FOIA data
10 and that differences be identified. And my
11 assumption is that those differences or some
12 subset of those differences is in -- Section 4.
13 And from Section 4, document copies were obtained
14 as described in Paragraph 7.

■ [REDACTED]

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